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US PATENT & TRADEMARK
OFFICE

Dep. Rep.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q79667

Yasushi HATTORI, et al.

Allowed: December 6, 2006

Appln. No.: 10/786,067

Group Art Unit: 1773

Confirmation No.: 3958

Examiner: Holly C. Rickman

Filed: February 26, 2004

For: MAGNETIC PARTICLE COATED MATERIAL CONTAINING MAGNETIC PARTICLES HAVING CuAu TYPE OR Cu₃Au TYPE FERROMAGNETIC ORDERED ALLOY PHASE, AND METHOD FOR PRODUCING THE SAME

REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for a refund of the \$1020 fee for the three month extension of time and the \$500 Notice of Appeal fee filed November 28, 2006, because these fees were necessitated by undue delay by the PTO. The facts in support of this request are as follows.

Applicants filed a response to the final Office Action of May 27, 2005 on August 29, 2005, as August 27, 2005 was a Saturday. In the response, Applicants simply canceled all of the rejected claims so that the application could be allowed.

After Applicants did not receive any communication from the PTO, the undersigned called the Examiner on November 2, 2005 inquiring about the status of the case. The Examiner returned the undersigned's call on November 3, 2005 and indicated that a Notice of Allowance would be mailed in the near future.

After Applicants did not receive the Notice of Allowance by November 28, 2005, the undersigned called the Examiner on November 28, 2005 to inquire about the status of the Notice of Allowance, and the Examiner sent a copy of the Notice of Allowability by facsimile to the undersigned that day and indicated that the Notice of Allowability was entered into the record as

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REQUEST FOR REFUND
U.S. Application No. 10/786,067

Attorney Docket No. Q79667

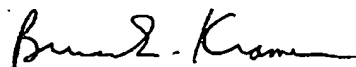
of November 3, 2005 (see the date at the right corner of the Notice of Allowability) but had not been mailed.

Since the Notice of Allowability had not actually been mailed by November 28, 2005 (which was the six month date after the May 27, 2005 Office Action, November 27, 2005 being a Sunday), Applicants filed a Petition for Extension of Time for three months and a Notice of Appeal on November 28, 2005 to maintain pendency of the application.

However, Applicants consider that it is unfair that they have to pay for a three month extension and a Notice of Appeal when they filed a response by the initial due date of August 29, 2005 simply canceling all of the rejected claims so that the application could be allowed, but the PTO did not mail the Notice of Allowance until December 6, 2005 (which included a delay of over one month to mail the Notice of Allowance after the Notice of Allowability was entered on November 3, 2005).

Since Applicants filed their response by the initial due date and all of the delay was due to the PTO, Applicants respectfully request a refund of the \$1020 fee for the three month extension of time and the \$500 Notice of Appeal fee, i.e., a total refund of \$1520, to Deposit Account No. 19-4880.

Respectfully submitted,



Bruce E. Kramer
Registration No. 33,725

SUGHRUE MION, PLLC
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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: March 3, 2006



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q79667

Yasushi HATTORI, et al.

Appln. No.: 10/786,067

Group Art Unit: 1773

Confirmation No.: 3958

Examiner: Holly C. Rickman

Filed: February 26, 2004

For: MAGNETIC PARTICLE COATED MATERIAL CONTAINING MAGNETIC PARTICLES
HAVING $CuAu$ TYPE OR Cu_3Au TYPE FERROMAGNETIC ORDERED ALLOY PHASE,
AND METHOD FOR PRODUCING THE SAME

NOTICE OF APPEAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Although it is Applicant's understanding that the Examiner has submitted a Notice of Allowability to be mailed with a Notice of Allowance for the above-identified application, since the Notice of Allowance has not yet been mailed Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final Office Action dated May 27, 2005.

A check for the statutory fee of \$500.00 is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this sheet is enclosed.

Adjustment date: 03/21/2006 SDIRETA1
11/29/2005 JADD01 00000012 10786067
01 FC:1401 -500.00 OP

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WASHINGTON OFFICE

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CUSTOMER NUMBER

Date: November 28, 2005

Respectfully submitted,

Bruce E. Kramer
11/29/2005 JADD01 00000012 10786067
Registration No. 334825

588.88 OP

Repln. Ref: 03/21/2006 SDIRETA1 0008415200
DAH:194880 Name/Number:10786067
FC: 9204 \$500.00 CR

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q79667

Yasushi HATTORI, et al.

Appln. No.: 10/786,067

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Confirmation No.: 3958

Examiner: Holly C. Rickman

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For: MAGNETIC PARTICLE COATED MATERIAL CONTAINING MAGNETIC PARTICLES HAVING CuAu TYPE OR Cu_3Au TYPE FERROMAGNETIC ORDERED ALLOY PHASE, AND METHOD FOR PRODUCING THE SAME

PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.136, Applicant hereby petitions for an extension of time of three months, extending the time for responding to the Office Action of May 27, 2005 to November 28, 2005, as November 27, 2005 fell on the previous Sunday.

A check for the statutory fee of \$1020.00 is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this sheet is enclosed.

Adjustment date: 03/21/2006 SDIRETA1
11/29/2005 JADD01 00000012 10786067
02 FC:1253 -1020.00 OP


Respectfully submitted,

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CUSTOMER NUMBER


11/29/2005 JADD01 00000012 10786067
Bruce E. Kanner
Registration No. 33,725
1020.00 OP

Date: November 28, 2005

DA11094806: 08/26/2006 58107806 00008411100
FC: 9204 \$1020.00 CR

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